

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-597-RJC**

IVAN L. MENDEZ,)	
)	
Plaintiff,)	
)	
vs.)	
)	<u>ORDER</u>
INTERNATIONAL CRIMINAL)	
ORGANIZATION,)	
)	
Defendant.)	
)	

THIS MATTER is before the Court on initial review pursuant to 28 U.S.C. § 1915(e).

Plaintiff, who is proceeding pro se, filed a Complaint, (Doc. No. 1), and an Application To Proceed In Forma Pauperis, (Doc. No. 1-1), on September 12, 2012. For the reasons explained below, the Court dismisses Plaintiff's Complaint sua sponte as frivolous.

Plaintiff filed this action on September 12, 2012, pursuant to 42 U.S.C. § 1983, naming as the sole Defendant "International Criminal Organization." The Court first considers Plaintiff's motion to proceed in forma pauperis. Plaintiff's Motion, (Doc. No. 1-1), is GRANTED.

Because Plaintiff is proceeding in forma pauperis, the Court must review the Complaint to determine whether it is subject to dismissal on the grounds that it is "frivolous or malicious [or] fails to state a claim on which relief may be granted." 28 U.S.C. § 1915(e)(2). In its frivolity review, this Court must determine whether the Complaint raises an indisputably meritless legal theory or is founded upon clearly baseless factual contentions, such as fantastic or delusional scenarios. Neitzke v. Williams, 490 U.S. 319, 327-28 (1989).

Plaintiff's Complaint is frivolous, as his Complaint is completely unintelligible. The Court therefore dismisses the Complaint in its entirety. The Court notes that Plaintiff filed a similarly

unintelligible action on August 14, 2012, naming as the sole Defendant “International Crime Organizations.” This Court dismissed that action as frivolous on August 21, 2012. See Mendez v. International Crime Organizations, 3:12cv505 (W.D.N.C. Aug. 21, 2012).

IT IS THEREFORE ORDERED that:

- (1) Plaintiff’s Application to Proceed in Forma Pauperis, (Doc. No. 1-1), is **GRANTED** for the limited purpose of this review.
- (2) Plaintiff’s Complaint, (Doc. No. 1), is **DISMISSED** with prejudice as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). The Clerk is directed to close the case. This dismissal counts as Plaintiff’s second strike for purposes of 28 U.S.C. § 1915(g).

Signed: September 19, 2012



Robert J. Conrad, Jr.
Chief United States District Judge

